

REMARKS

The Office Action dated July 28, 2008 has been received and considered. Reconsideration of the outstanding rejections in the present application is respectfully requested based on the following remarks.

Allowed Claims

Applicants note with appreciation the indication at page 13 of the Office Action that claims 17-30 are allowed.

Obviousness Rejection of Claims 1-3, 8, 9, 13, 16, 31, 33, 37, 38, 40, 41, 43, 46, 47, 49-52, 63, and 64

At page 3 of the Office Action, claims 1-3, 8, 9, 13, 16, 31, 33, 37, 38, 40, 41, 43, 46, 47, 49-52, 63, and 64 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Daellenbach (U.S. Patent App. Pub. No. 2003/0168508) (hereinafter “the Daellenbach publication”), in view of Ciacelli (U.S. Patent No. 6,236,727). This rejection is hereby respectfully traversed.

Claim 1 recites “sending a first encrypted routine of a software driver to a peripheral device, wherein the software driver is to interface with the peripheral device.” According to the Office Action at page 3, these elements are disclosed by lines 10-11 and 13-15 of paragraph [0069] of the Daellenbach publication, set forth below:

The driver can be downloaded from a network connection or can be loaded locally at the general purpose computer. The licensee is also given a password or pin number, which allows microprocessor 104 to identify and properly use the encrypted driver software for the updated or new money-handling peripheral device.

As explained in the Response to Office Action filed May 16, 2008, the Daellenbach publication is based on a provisional application (hereinafter referred to as the “Daellenbach provisional”) filed March 11, 2002, which is subsequent (not prior) to November 14, 2001, the filing date of the present Application. Accordingly, the cited paragraph is not prior art to the present application.

In response, the Office turns to Section 3.3.7 and Section 3.4 of the Daellenbach provisional as disclosing the above-cited features. However, Section 3.3.7 of the Daellenbach provisional discloses only that administrator software used to control an automatic teller machine can remotely update drivers. Section 3.4 of the Daellenbach provisional discloses only that the administrator software can use encryption techniques to provide security for communications with the automatic teller machine. Neither the cited portions, nor any other portion of the Daellenbach provisional, discloses or suggests that the disclose drivers **are encrypted in any manner**. In other words, assuming *arguendo* that the Daellenbach provisional's disclosure of remotely updating software drivers corresponds to sending a routine of a software driver, there is no disclosure that the software driver is **encrypted** when it is sent. Accordingly, the Daellenbach provisional fails to disclose sending a first **encrypted** routine of a software driver as recited in claim 1.

In addition, claim 1 provides that the software driver is being sent **to the peripheral device that will interface with the software driver**. As explained above, the Daellenbach provisional discloses updating software drivers at administrator software. The drivers are employed to control an automatic teller machine. *Daellenbach Provisional*, Section 3.3.7, Section 1.2. The Daellenbach provisional further discloses that the administrator software is executed at a personal computer device, not at the automatic teller machine. *Id.*, Section 1.1. In other words, assuming *arguendo* that the Daellenbach provisional's disclosure of remotely updating software drivers corresponds to sending a routine of a software driver, the software drivers of Daellenbach are not sent to a peripheral device that will interface with the software driver. Thus, the Daellenbach provisional fails to disclose "sending a first encrypted routine of a software driver to a peripheral device, **wherein the software driver is to interface with the peripheral device**" as recited in claim 1.

For the reasons set forth above, the Daellenbach provisional fails to disclose at least one element of claim 1. Further, Ciacelli does not remedy the deficiencies of the Daellenbach provisional. Thus, Ciacelli and the Daellenbach provisional, individually and in combination, fail to disclose at least one element of claim 1.

Independent claims 31, 40, 47, and 49 recite similar features as claim 1. Accordingly, for similar reasons to those set forth above with respect to claim 1, the cited references fail to disclose or suggest at least one element of these independent claims.

Claims 2-3, 8, 9, 16, 63, and 64 depend from claim 1. Claims 33, 37, and 38 depend from claim 31. Claims 41, 43, and 46 depend from claim 40. Claims 50-52 depend from claim 49. Accordingly, the cited references fail to disclose or suggest at least one element of these dependent claims, at least by virtue of their respective dependency on claims 1, 31, 40, and 49. In addition, these dependent claims recite additional novel elements.

In view of the foregoing, withdrawal of the obviousness rejection of claims 1-3, 8, 9, 13, 16, 31, 33, 37, 38, 40, 41, 43, 46, 47, 49-52, 63, and 64 and reconsideration of the claims is respectfully requested.

Obviousness Rejection of Claims 10-12, 32, 39, 42, and 54

At page 9 of the Office Action, claims 10-12, 32, 39, 42, and 54 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Daellenbach., in view of Ciacelli, in view of Hendricks et al. (U.S. Patent No. 7,298,851). This rejection is hereby respectfully traversed.

Claims 10-12 depend from claim 1. Claims 32 and 39 depend from claim 31. Claim 42 depends from claim 40. Claim 54 depends from claim 49. As explained above, the Daellenbach provisional and Ciacelli, individually and in combination, fail to disclose or suggest at least one element of each of claims 1, 31, 40, and 49. Further, Hendricks does not remedy the deficiencies of the Daellebach provisional and Ciacelli. Accordingly, the cited references fail to disclose or suggest at least one element of these dependent claims, at least by virtue of their respective dependency on claims 1, 31, 40, and 49. In addition, these dependent claims recite additional novel elements.

In view of the foregoing, withdrawal of the obviousness rejection of claims 10-12, 32, 39, 42, and 54 and reconsideration of the claims is respectfully requested.

Obviousness Rejection of Claims 14 and 15

At page 11 of the Office Action, claims 14 and 15 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Daellenbach, in view of Ciacelli, in view of Wilson (U.S. Patent No. 4,520,232). This rejection is hereby respectfully traversed.

Claims 14 and 15 depend from claim 1. As explained above, the Daellenbach provisional and Ciacelli, individually and in combination, fail to disclose or suggest at least one element of claims 1. . Further, Wilson does not remedy the deficiencies of the Daellebach provisional and Ciacelli. Accordingly, the cited references fail to disclose or suggest at least one element of claims 14 and 15, at least by virtue of their dependency on claim 1. In addition, these dependent claims recite additional novel elements.

In view of the foregoing, withdrawal of the obviousness rejection of claims 14 and 15 and reconsideration of the claims is respectfully requested.

Obviousness Rejection of Claims 4-7, 34-36, 44, 45, and 53

At page 11 of the Office Action, claims 4-7, 34-36, 44, 45, and 53 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Daellenbach et al., in view of Ciacelli, and in view of Freeman (U.S. Patent App. Pub. No. 2002/0129374). This rejection is hereby respectfully traversed.

Claims 4-7 depend from claim 1. Claims 34-36 depend from claim 31. Claims 44 and 45 depend from claim 40. Claim 53 depends from claim 49. As explained above, the Daellenbach provisional and Ciacelli, individually and in combination, fail to disclose or suggest at least one element of each of claims 1, 31, 40, and 49. . Further, Freeman does not remedy the deficiencies of the Daellebach provisional and Ciacelli. Accordingly, the cited references fail to disclose or suggest at least one element of these dependent claims, at least by virtue of their respective dependency on claims 1, 31, 40, and 49. In addition, these dependent claims recite additional novel elements.

In view of the foregoing, withdrawal of the obviousness rejection of claims 4-7, 34-36, 44, 45, and 53 and reconsideration of the claims is respectfully requested.

Conclusion

The Applicants respectfully submit that the present application is in condition for allowance, and an early indication of the same is courteously solicited. The Examiner is respectfully requested to contact the undersigned by telephone at the below listed telephone number in order to expedite resolution of any issues and to expedite passage of the present application to issue, if any comments, questions, or suggestions arise in connection with the present application.

The Applicants believe no additional fees are due, but if the Commissioner believes additional fees are due, the Commissioner is hereby authorized to charge any fees, which may be required, or credit any overpayment, to Deposit Account Number 01-0365.

Respectfully submitted,

/Adam D. Sheehan/

Adam D. Sheehan; Reg. No. 42,146

LARSON NEWMAN ABEL POLANSKY & WHITE, LLP

5914 West Courtyard Drive, Suite 200

Austin, Texas 78730

(512) 439-7100 (phone)

(512) 439-7199 (fax)

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Date